



U. S. Department of Justice

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**FOR IMMEDIATE RELEASE
MARCH 5, 2008**

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PRESS STATEMENT
U.S. V BRYAN DAVID MITCHELL
AND WANDA EILEEN BARZEE

SALT LAKE CITY – A federal grand jury returned an indictment today charging Bryan David Mitchell, age 54, and Wanda Eileen Barzee, age 62, with interstate kidnapping and unlawful transportation of a minor in relation to Elizabeth Smart's abduction in June 2002.

The potential maximum penalty for each of the charges in the indictment is life in prison. Defendants charged in indictments are presumed innocent unless or until proven guilty in court.

U.S. Attorney Brett L. Tolman issued the following statement today:

“The U.S. Attorney's Office and the FBI in Salt Lake City were involved in the investigation of the abduction of Elizabeth Smart from the beginning. When Elizabeth was discovered and the individuals responsible for her disappearance were taken into custody, very experienced prosecutors in the U.S. Attorney's Office and the Salt Lake District Attorney's Office carefully reviewed evidence in the case and considered possible charges. Although viable federal charges were available in the case, a joint decision was made to proceed with charges filed by the District Attorney's Office.

“As you know, the District Attorney’s Office subsequently filed charges against both defendants. As the case has proceeded over the last five years, Mitchell and Barzee have been found incompetent to stand trial in state court proceedings and litigation involving mental health issues continues.

“Today’s federal indictment does not reflect a change in our confidence in the state’s case against Mitchell and Barzee. We presented the case to the grand jury this week, prior to the expiration of the statute of limitations, simply to preserve the option of a federal prosecution. As we said nearly five years ago, if the time comes to proceed with a federal case, we will not hesitate to do so. The indictment returned today maintains that option.

“Every decision we have made has been driven by our determination to bring about a successful prosecution – a conviction on appropriate charges and an appropriate sentence. When the prosecution is complete, whether it is state court or federal court, we want the Smart family and the community to be confident that justice has been served. The federal indictment is an option, if necessary and appropriate at some point in the future, to ensure a just result.”

Federal prosecutors do not anticipate bringing the couple immediately into federal custody or asking for an initial appearance to be scheduled at this time.

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